IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO. 2670 OF 2005

General Arun Kumar Vaidya Nagar Rahivasi Sangh.] .. Petitioner

Versus

1. State of Maharashtra & 3 ors.] .. Respondents

Mr. Bhavesh Parmar for the petitioner.

Mr. G.W. Mattos, AGP, for the respondents No.1-3.

Ms. S. Ajith Kumar for the respondent No.4.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: 07TH SEPTEMBER, 2006

P.C. :

. We heard the counsel for the petitioner and perused the Writ Petition, the documents annexed thereto, the Affidavit of respondent No.3-MMRDA dated 6th July, 2006 and the Affidavit in rejoinder dated 14th July, 2006 filed by the petitioner.

2. There is merit in the contention of the respondent No.3-MMRDA that principal challenge in this Writ Petition is to the approach of the authorities in allotting tenders to private builders for development of

plots of land specifically reserved for transit accommodation within Bandra Reclamation, Mumbai and that the said issue was the subject matter of consideration before this Court in Writ Petition No.1279 of 2006 and the Division Bench of this Court has upheld the redevelopment of transit camp area.

3. In our considered view the same issue cannot be permitted to be raised again and again by means of Public Interest Litigation.

4. As regards the petitioner's apprehension that reservation of Municipal Market and Sewerage Pumping Station would not be effectuated on the subject plot, in the Affidavit filed by respondent No.2 on 7th August, 2006, it is reiterated that the obligation is cast upon the developer to effectuate the reservations of Municipal Market and Sewerage Pumping Station on the subject plot to the extent they affect the said plot. The categorical statement has been made that insofar as Municipal Market is concerned, the reservation will be effectuated by construction of Municipal Market on the subject plot. With regard to Sewerage Pumping Station, though it is likely to be partly affected, as already noticed above, obligation has been cast on the developer to effectuate the reservation pertaining to Sewerage

Pumping Station to the extent it affects the subject plot.

5. We record and accept the statement of Mr. G.W. Mattos, the Assistant Government Pleader on behalf of respondents No.1 and 2 that reservation of Municipal Market and Sewerage Pumping Station shall be effectuated in about two years' time.

6. With the aforesaid observation, we are satisfied that nothing further needs to be considered in this Writ Petition.

. Writ Petition is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]